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Facsimile Cover Sheet

To: Hon. Commissioner for Patents, TC2100

From: Craig S. Fischer

Fax: (703) 872-9306

Pages: 40 (inclusive)

Re: Serial No.: 09/461,900

Date: March 16, 2005

Filed: December 15, 1999

Attorney Docket No: MCS-116-99

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This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Appeal Brief Transmittal Letter (2 pages);
3. Appeal Brief (12 pages each – in triplicate);
4. Applicant-Initiated Interview Request Form (1 page).

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on March 16, 2005 (Date of Transmission)

Craig S. Fischer
By (Print Name)

[Signature]
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27662

PATENT TRADEMARK OFFICE

PATENT
Attorney Docket No.: MCS-116-99
MSFT No.: 146907.01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of: NACE et al.

Serial No.: 09/461,900

Group Art Unit: 2123

Filed: December 15, 1999

Examiner: W. Thomson

For: **SERVER RECORDING AND CLIENT PLAYBACK
OF COMPUTER NETWORK CHARACTERISTICS.**

TRANSMITTAL OF APPEAL BRIEF

Mail Stop: Appeal Brief – Patents
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Sir:

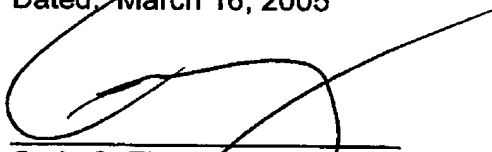
Transmitted herewith in triplicate is a Supplemental Appeal Brief filed in response to the Office Action dated January 6, 2005.

Serial No.: 09/481,900

Attorney Docket No: MCS-116-99

The Appellants hereby request the reinstatement of the appeal. In support of this reinstatement request, this Supplemental Appeal Brief is enclosed herewith. These remarks are presented in response to the rejections set forth in the above-referenced Office Action. This Supplemental Appeal Brief is presented in addition to, and not in place of, the remarks presented in the Appeal Brief, which is of record.

Respectfully submitted,
Dated: March 16, 2005



Craig S. Fischer
Registration No. 42,535
Attorney for Appellants

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PTOL-413A (08-03)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request FormApplication No.: 09 / 461,900 First Named Applicant: NACE et al.Examiner: W.D. THOMSONArt Unit: 2123Status of Application: Pending**Tentative Participants:**(1) Examiner W.D. Thomson (2) Craig Fischer

(3) _____ (4) _____

Proposed Date of Interview: 04/04/05 Proposed Time: 1 PM (EDT)**Type of Interview Requested:**(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>102(e) Rejection</u>	<u>Claims 1-40</u>	<u>Landan & Dantressangle</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>102(b) Rejection</u>	<u>Claims 1-40</u>	<u>Watanabe et al</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented: (Please see attached Supplemental Appeal Brief)

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

Craig S. Fischer Reg. No. 42,535

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.